

**ENTERED**

December 13, 2016

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

UNITED STATES OF AMERICA

VS.

JAVIER MONTELONGO

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Mag. Judge No. 2:16-MJ-1474-01

**MEMORANDUM OPINION AND ORDER OF DETENTION PENDING TRIAL**

A detention hearing has been held in accordance with the Bail Reform Act, 18 U.S.C. § 3142(f). The following requires detention of the Defendant pending trial in this case:

- (1) There is a serious risk that the Defendant will not appear; and
- (2) There is a serious risk that the Defendant will endanger the safety of another person or the community.

The evidence against the Defendant meets the probable cause standard. The findings and conclusions contained in the Pretrial Services Report and First Addendum report are adopted. The Defendant is a poor bond risk, and his history of convictions for evading arrest demonstrates he will run if given the chance. Neither the Defendant's wife nor his sister is willing to sign the bond as a co-surety, reflecting their distrust of his ability to come to court and to comply with court-ordered conditions of release. If the Defendant can produce a co-surety with non-exempt assets, a third-party custodian, a cash deposit, and if he is willing to be on home detention with a GPS monitor, this order may be reconsidered.

The Defendant is committed to the custody of the United States Marshal or his designated representative for confinement in a corrections facility separate, to the extent practicable, from persons awaiting or serving sentences or being held in custody pending appeal. The Defendant shall be afforded a reasonable opportunity for private consultation with defense counsel. On order of a court of the United States or on request of an attorney for the Government, the person in charge of the corrections facility shall deliver the Defendant to the United States Marshal for the purpose of an appearance in connection with a court proceeding.

ORDERED this 13th day of December, 2016.

  
B. JANICE ELLINGTON  
UNITED STATES MAGISTRATE JUDGE